



Texas Department of Insurance

Division of Workers' Compensation

Medical Fee Dispute Resolution, MS-48

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

MedMe Services Corporation

Respondent Name

Mitsui Sumitomo Insurance USA

MFDR Tracking Number

M4-15-0352-01

Carrier's Austin Representative

Box Number 19

MFDR Date Received

September 22, 2014

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "There is no fee guideline for the rental of a TENS and there is no fee guideline for the purchase of the NMES unit. But both units are rented and purchased."

Amount in Dispute: \$150.00

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "...the carrier asserts that it has paid according to applicable fee guidelines and challenges whether the dispute charges are consistent with applicable fee guidelines."

Response submitted by: Flahive, Ogden & Latson

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
June 24, 2014	E0730 RR	\$150.00	\$48.90

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.20 sets out requirements for medical bill submission by health care providers.
3. 28 Texas Administrative Code §134.203 sets out the reimbursement guidelines for professional medical services.
4. The services in dispute were reduced/denied by the respondent with the following reason codes:
 - 181 – Payment adjusted because this procedure code was invalid on the date of service
 - 254– The billed service has no allowance in fee schedule/ucr
 - 193 – Original payment decision is being maintained

Issues

1. Is there an established fee schedule amount for services in dispute?
2. Is the requestor entitled to reimbursement?

Findings

1. Per 28 Texas Administrative Code §134.202 states, in pertinent part “(b) For coding, billing, reporting, and reimbursement of professional medical services, Texas Workers' Compensation system participants shall apply the Medicare program reimbursement methodologies, models, and values or weights including its coding, billing, and reporting payment policies in effect on the date a service is provided with any additions or exceptions in this section.” Review of the submitted documentation finds HCPCS code E0730 – RR was submitted on claim line. Per DMEPOS Fee Schedule the service in dispute is classified as “Inexpensive Routinely Purchased.” CMS Manual System, Pub. 100-04, *Medicare Claims Processing Manual*, Chapter 20, Subchapter 30.5 “For these items of DME, contractors pay the fee schedule amounts on a monthly rental basis not to exceed a period of continuous use of 15 months.” Transcutaneous Electrical Nerve Stimulator (TENS) (Rev. 2605, Issued: 11-30-12, Effective: 06-08-12, Implementation: 01-07-13) “The purchase price is determined under the same rules as any other frequently purchased item, except that there is no reduction in the allowed amount for purchase due to the two months rental. “EXAMPLES: The fee schedule amounts for an item of DME are ordinarily as follows: \$500 for purchase when the item is new. \$375 for purchase when the item is used. \$50 per month for renting the item.” Therefore, the division finds the service in dispute (E0730) fee schedule amount is the PDAC purchase amount divided by 10 or ($\$391.22 \div 10 = \39.12). The service in dispute will be reviewed per applicable rules and fee guidelines.
2. 28 Texas Administrative Code §134.203 (c)(A) states in pertinent part, “To determine the maximum allowable reimbursements (MARs) for professional services system participants shall apply the Medicare payment policies with the following minimal modifications: ... (A) 125% of the fee listed for the code in the Medicare Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) fee schedule; Therefore the total MAR is calculated as follows DMEPOS fee schedule $\$39.12 \times 125\% = \48.90 . The carrier paid \$0.00, an additional payment of \$48.90 can be recommended.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$48.90.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$48.90 plus applicable accrued interest per 28 Texas Administrative Code §134.130 due within 30 days of receipt of this Order.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

February 13, 2014

Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, 37 *Texas Register* 3833, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.